

LEGAL ANALYSIS

CONSTITUTIONAL RIGHT DURING DISCIPLINARY PROCEDURE PROCESS

COUNSEL SUBSTITUTE SUBVERSIVE ACT, VIOLATED PROCEDURE, WHERE, AT THE OFFENDER NOTIFICATION THE WORD YES WAS LATER X OUT AND THE WORD NO WAS SUBVERSIVELY CIRCLED. THE DOCUMENT ALSO SHOWS THE HEARING INFORMATION (2) DAYS LATER ON NOV. 29, 2017 THE DHO CIRCLED (3) . . . WHERE "IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE?" AND NOT. . . THE HEARING STAGE? . . . THE DHO WRITES TO SUPPORT "A WAIVED-ATTENDANCE"? WITH NO RECORDS OF PRESENTS OF PETITIONER DURING THE START OR ENDING OF THE DISCIPLINARY HEARING? . . . NOTICE THE "HEARING LENGTH MINUTES" ARE ONLY 3 MIN. 33 SECONDS? . . . AT NO TIME DO SECURITY STAFF ON 8-BLDG; J-PDD INFORM PETITIONER, THAT, PETITIONER'S DISCIPLINARY HEARING WAS IN PROCESS OR A LAY-IN WAS PREVIOUSLY PROVIDED TO PETITIONER.

PRISON OFFICIALS HAS A HISTORY OF VIOLATING THIS CONSTITUTIONAL RIGHT TO ATTEND DISCIPLINARY HEARINGS AT THE ENHANCEABLE METHOD TO HAVE THE NEXT LEVEL 2 OR 3 . . . OFFENSE TO BE MAJOR . . . GRIEVANCE NO. 2019007654 STEP 1 AND 2 ; GRIEVANCE NO. 2019004103 STEP 1 AND 2 AND GRIEVANCE NO. 2019002155 STEP 1 AND STEP 2.

UNDER THE DATES AND ACTIONS ORDERED BY THE MAGISTRATE THE SUPRA GROUNDS WAS IN FACT RAISED ON ADMINISTRATIVE APPEALS THAT WAS ILLEGALLY CONFISCATED THROUGH UNIT . . . SHAKEDOWN POLICY.

PETITIONER WISH FOR MAGISTRATE TO REVIEW GROUNDS A AND C ON THE FORM.

CONSTITUTIONAL LEGAL ANALYSIS

PETITIONER'S RIGHT TO BE HEARD WAS IN FACT VIOLATED AT THE DISCRETION OF PRISON. . . OFFICIALS SECURITY STAFF AND ADMINISTRATIVE PERSONAL WHEN "DUE PROCESS PROTECTIONS REQUIRE PRISONERS BE FREE OF ARBITRARY AND PURPOSELESS USE OF AUTHORITY)" SEE HANRAHAN V. LANE, 747 F.2d 1140 (7TH CIR. 1984) (PER CURIAM).
[DUE PROCESS PROTECTION REQUIRE CIVILLY COMMITTED OFFENDERS BE GIVEN NOTICE AND THE

OPPORTUNITY TO BE HEARD BEFORE BEING DEPRIVED OF PRIVILEGES) SEE *HYDRICK V. HUNTER* 466 F.3d 676, 679 (9TH CIR. 2006). (DUE PROCESS REQUIRE HEARING BEFORE REMOVING A . . . PROVIDED LIBERTY INTEREST) SEE *CHAMBERS V. COLO. DEPT. OF CORR.*, 205 F.3d 1237, 1242 (10TH CIR. 2000). (DUE PROCESS PROTECTION REQUIRE PRISONERS NOT BE SUBJECTED TO . . . "ARBITRARY DEPRIVATIONS OF 'LIBERTY'" DESPITE PRISON OFFICIAL'S INTEREST IN DISCRETION AND FLEXIBILITY) SEE *HATCH V. D.C.* 184 F.3d 846, 849 (D.C. CIR. 1999).

UNDER THE SUPRA PETITIONER SHOWS PRISON OFFICIALS INTERFERED WITH LIBERTY INTEREST THAT DEPRIVED PROCEDURAL WAS CONSTITUTIONALLY INSUFFICIENT) SEE *COLEMAN V. DRETRE* 395 F.3d 216, 221 (5TH CIR. 2004) SATISFIED.

CONCLUSION

FOR THE FOREGOING REASONS SET OUT IN THIS "AMENDED PETITION TO § 2254 BY ORDER OF MAGISTRATE" ASK THIS HONORABLE MAGISTRATE TO GRANT RELIEF SOUGHT SUA SPONTE.


PETITIONER - PRO SE - PAUPER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OFFICE OF THE CLERK

DEC. 28, 2018

HONORABLE UNITED STATES DISTRICT COURT, EASTERN DISTRICT, DAVID A O'TOOLE, CLERK,
UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF TEXAS
104 N. THIRD STREET
LUFKIN, TEXAS 75901

RE: ELLDYD JOHNSON V. LORIE DAVIS, DIR. TDCJ-CID
CIVIL ACTION NO. 9:18-CV-85

DEAR MR. O'TOOLE:

ENCLOSED FOR FILING IS PETITIONER'S "AMENDED PETITION TO § 2254 BY ORDER
OF MAGISTRATE"

PLEASE GIVE NOTICE UPON RECEIPT.

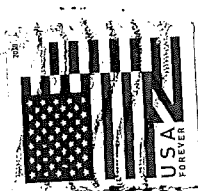
THANK YOU RESPECTFULLY FOR YOUR ASSISTANCE.

C/E PROVIDED UPON REQUEST
EJ

SINCERELY

PETITIONER - PRO SE - PAUPER

ELLOYD JOHNSON #840854
POLUNSKY UNIT
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LIVINGSTON, TEXAS 77351



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EASTERN DISTRICT OF TEXAS
OFFICE OF THE CLERK
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